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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,476	04/15/2005	Stefan Madaus	PTB-4750-27	6503
23117 7590 03/12/2010 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
TOYH, KAREN E				
ART UNIT		PAPER NUMBER		
3735				
MAIL DATE		DELIVERY MODE		
03/12/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10531476	4/15/2005	MADAUS ET AL.	PTB-4750-27

## EXAMINER

KAREN E. TOTH

ART UNIT	PAPER
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3735 20100310

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

## Commissioner for Patents

The information disclosure statement (IDS) filed 3/1/10 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because:

(1) The citation of the non-patent publication lacks a date, wherein all non-patent literature citations must include a date (see 37 CFR 1.98 (b)(5));

(2) It lacks a statement as specified in 37 CFR 1.97(e) (see 37 CFR 1.97(d)); and.

(3) It lacks the fee set forth in 37 CFR 1.17(p) (see 37 CFR. 197(d)).

It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any resubmission of any item of information contained in this or a previous information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

The IDS filed 3/1/10 appears to be a resubmission of the IDS filed 10/13/09 in order to correct a deficiency. While Applicant may file a new information disclosure statement or correct the deficiency in a previously filed IDS, the date that the new IDS or correction is filed will be the date of the IDS for purposes of determining compliance with the requirements based on the time of filing the IDS (37.CFR 1.97; MPEP 609.05(a)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN E. TOTH whose telephone number is (571)272-6824. The examiner can normally be reached on Mon thru Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor II can be reached on 571-272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000

/Patricia C. Mallari/

Primary Examiner, Art Unit 3735